

HOUSE No. 2202

By Mr. Bradley of Hingham, petition of Garrett J. Bradley relative to the issuance of recreational vehicle registrations by dealers. Transportation.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT PROVIDING FOR THE ISSUANCE OF RECREATIONAL VEHICLE REGISTRATIONS BY DEALERS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 22 of said chapter 90B, as appearing in
2 the 2002 Official Edition, is hereby amended by inserting at the
3 end thereof the following:—
4 The director shall provide for, upon the sale of snow vehicles,
5 recreation vehicles and vessels, the issuance of snow vehicle,
6 recreation vehicle and vessel term registrations and the assistance
7 with the issuance of snow vehicles and recreation vehicle registra-
8 tions and vessel registrations and titles through new class 1 or 2
9 snow vehicle, recreation vehicle and vessel dealers registered pur-
10 suant to this section to residents and non-residents. The director
11 shall also provide for the issuance of snow vehicle and recreation
12 vehicle permanent registrations, the renewal or assistance with
13 renewal of snow vehicle, recreation vehicle and vessel registra-
14 tions and the issuance or assistance with the issuance of vessel
15 titles through dealers registered pursuant to this section, as the
16 case may be, to residents and non-residents. The fee for the regis-
17 tration of each vehicle shall be the same as the fee for an initial
18 registration or renewal thereof pursuant to paragraph 3 and shall
19 constitute payment of the registration fee or renewal thereof
20 required by paragraph 3. Any dealer authorized to issue registra-
21 tion certificates for snow vehicles, recreation vehicles and regis-
22 tration certificates and titles for vessels, who is not employed by

23 the commonwealth, may charge notwithstanding any provision of
24 this chapter or any law to the contrary the applicant an administra-
25 tive fee in addition to the required registration fee.

1 SECTION 2. Notwithstanding any law to the contrary, the
2 director of the division of environmental law enforcement and
3 recreational vehicles, the registrar of motor vehicles of the reg-
4 istry of motor vehicles and the commissioner of revenue and their
5 staffs shall all work cooperatively and fully utilize the existing
6 registry of motor vehicles drive program, which presently allows
7 powersport dealers to issue motorcycle registrations and titles, to
8 its fullest extent possible and as soon as possible but not later than
9 6 months from the effective date. Notwithstanding any law to the
10 contrary, the director of environmental law enforcement and recre-
11 ation vehicles and the registrar of the registry of motor vehicles
12 may negotiate with the registry's vendor and the vendor may
13 negotiate with said officials or their senior staff to assume some or
14 all of any or all of the costs attributed to the startup of this pro-
15 gram. These state agencies are hereby authorized to accept any
16 and all such assistance in the startup of this program from said
17 vendor if such is negotiated. Notwithstanding any law to the con-
18 trary, nothing in this act or otherwise shall deem the registry of
19 motor vehicles to be a boating law administrator and nothing con-
20 tained in this act or otherwise shall cause federal gas tax monies
21 to be diverted from the division of environmental law enforcement
22 and recreational vehicles to the registry of motor vehicles.

1 SECTION 3. Section 3 of said chapter 64H, as appearing in the
2 2002 Official Edition, is hereby amended by striking out in lines
3 9 through 19, inclusive, clause (c) in its entirety and inserting in
4 place thereof the following clause:—

5 (c) The excise imposed by section two upon sales at retail of
6 motor vehicles or trailers shall be paid by the purchaser to the reg-
7 istrar of motor vehicles, the director of the division of environ-
8 mental law enforcement, or their agent, as the case may be, in the
9 manner prescribed by the commissioner. The vendor thereof shall
10 not add the tax to the sales price and shall not collect the tax from
11 the purchaser. The vendor thereof shall, however, furnish to the
12 purchaser, the registrar, the director, or their agent, as the case

13 may be, and the commissioner a sworn statement of the sale upon
14 a form prescribed by the commissioner, with the approval of the
15 commissioner, giving such information as the commissioner may
16 require for the determination of such tax; provided, however, said
17 form shall require the vehicle identification number, also known
18 as the VIN. For the purpose of this paragraph, the term “motor
19 vehicle” means any self-propelled vehicle designed for use and
20 used primarily upon the highways. For the purpose of this para-
21 graph, the term “motor vehicle” shall also mean a “snow vehicle”
22 and a “recreation vehicle” as defined in section 20 of chapter 90B.

1 SECTION 4. Section 4 of chapter 64I of the General Laws, as
2 appearing in the 2002 Official Edition, is hereby amended by
3 striking out in lines 16 through 39, inclusive, the second and third
4 paragraphs and inserting in place thereof the following two para-
5 graphs:—

6 Notwithstanding the provisions of this section, the excise
7 imposed by section 2 upon the storage, use or other consumption
8 of motor vehicles or trailers shall be paid by the purchaser to the
9 registrar of motor vehicles or the director of the division of envi-
10 ronmental law enforcement, or their agent, as the case may be, in
11 the manner prescribed by the commissioner. The vendor thereof
12 shall not add the tax to the sales price and shall not collect the tax
13 from the purchaser. The vendor thereof shall, however, furnish to
14 the purchaser, the registrar or the director, or their agent, as the
15 case may be, and the commissioner a sworn statement of the sale
16 upon a form prescribed by the commissioner, giving such infor-
17 mation as the commissioner may require for the determination of
18 such tax; provided, however, said form shall require the vehicle
19 identification number, also known as the VIN. For purposes of
20 such determination, the sales price of any motor vehicle, except a
21 motor vehicle purchased from a vendor registered under this
22 chapter who is regularly engaged in the business of making sales
23 at retail of such motor vehicles, shall be the actual amount paid by
24 the purchaser to the vendor for said motor vehicle or the average
25 value of said motor vehicle, whichever is greater. “Average value”
26 for a motor vehicle shall mean the average trade-in value listed in
27 the National Automobile Dealers Association used car guide or
28 other value guides or default values as determined jointly by the

29 commissioner and registrar and director, or their agent, as the
30 case may be. The commissioner may establish rules and regula-
31 tions for accepting values below these values based on the condi-
32 tion of the vehicle at the time of sale or other factors as may be
33 appropriate.

34 For the purpose of this section, the term “motor vehicle” means
35 any self-propelled vehicle designed for use and used primarily
36 upon the highways. For the purpose of this section, the term
37 “motor vehicle” shall also mean a “snow vehicle” and a “recre-
38 ation vehicle” as defined in section 20 of chapter 90B.

1 SECTION 5. Notwithstanding any law to the contrary vessels
2 as defined in section 1 of chapter 90B shall be treated in exactly
3 the same manner by the division of environmental law enforce-
4 ment and recreational vehicles as motor vehicles as provided in
5 sections 3 and 4 of this act.